

Message Text

PAGE 01 STATE 194558

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ORIGIN ARA-10

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S/NM:SBVANCE

SER/INC:MWAMPLER

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO IMMEDIATE

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E.O. 11652: N/A

TAGS: SNAR, MX

SUBJECT: EXCHANGE OF LETTERS WITH ATTORNEY GENERAL

1. UPON RECEIPT OF ALLOTMENT WHICH WILL BE FORTHCOMING
SHORTLY, EMBASSY IS AUTHORIZED TO ENTER INTO AGREEMENT WITH
GOM PER FOLLOWING LETTER:

DEAR MR. ATTORNEY GENERAL:

IN CONFIRMATION OF RECENT CONVERSATIONS BETWEEN OFFICIALS
OF OUR TWO GOVERNMENTS RELATING TO THE COOPERATION BETWEEN
MEXICO AND THE UNITED STATES TO CURB THE ILLEGAL TRAFFIC
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PAGE 02 STATE 194558

IN NARCOTICS, I AM PLEASED TO ADVISE YOU THAT THE GOVERN-
MENT OF THE UNITED STATES IS WILLING TO ENTER INTO ADDI-
TIONAL COOPERATIVE ARRANGEMENTS WITH THE GOVERNMENT OF
MEXICO TO REDUCE SUCH TRAFFIC.

THE UNITED STATES GOVERNMENT, FOR ITS PART, WILL PROVIDE THE FOLLOWING EQUIPMENT, MATERIAL AND TECHNICAL SUPPORT AS MAY BE DEEMED USEFUL AND DESIRABLE BY THE GOVERNMENT OF MEXICO.

(1) ADDITIONAL EQUIPMENT WHICH IS DEEMED NECESSARY FOR USE IN THE MULTISPECTRAL AERIAL PHOTOGRAPHIC POPPY DETECTION

SYSTEM AT AN ESTIMATED COST NOT TO EXCEED ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000).

(2) ONE PREFABRICATED AIRCRAFT HANGAR AND THE SERVICES OF THREE TECHNICAL PERSONNEL TO ADVISE IN THE ASSEMBLY AND ERECTION OF SUCH HANGAR AT CULIACAN, MEXICO, AT AN ESTIMATED COST NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000).

(3) FILM, PAPER, CHEMICALS AND OTHER CONSUMABLES NOT READILY AVAILABLE IN MEXICO WHICH ARE DEEMED NECESSARY IN THE MULTISPECTRAL AERIAL PHOTOGRAPHIC POPPY DETECTION SYSTEM AT AN ESTIMATED COST NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000).

(4) TECHNICAL SUPPORT CONSISTING OF THE PROVISION OF SERVICES, MAINTENANCE AND MAINTENANCE SUPPLY SUPPORT BY SPECTRAL DATA CORPORATION FOR A PERIOD OF APPROXIMATELY TEN (10) MONTHS DURING THE 1976-1977 NARCOTICS ERADICATION CAMPAIGN. SUCH SUPPORT SHALL BE PROVIDED THROUGH DIRECT CONTRACTUAL ARRANGEMENTS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND SPECTRAL DATA CORPORATION. THE CONTRACTOR WILL PERFORM ALL THE FUNCTIONS NECESSARY TO UTILIZE ONE OF THE TWO MULTISPECTRAL AERIAL PHOTOGRAPHIC POPPY DETECTION SYSTEMS INCLUDING FLIGHT OPERATIONS, PHOTO PROCESSING AND PRINTING, PHOTO INTERPRETATION AND ANALYSIS, PREPARATION OF REPORTS AND SPECIAL MAPS, MAINTENANCE OF THE EQUIPMENT AND FURNISHING SUCH MATERIAL AND PARTS
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PAGE 03 STATE 194558

ASSOCIATED WITH SUCH MAINTENANCE AS SPECIFIED IN THE CONTRACT. THE ESTIMATED COST OF THIS TECHNICAL SUPPORT SHALL NOT EXCEED ONE MILLION FIFTY THOUSAND DOLLARS (\$1,050,000).

THE GOVERNMENT OF MEXICO SHALL PROVIDE AT ITS OWN EXPENSE FOR USE BY THE CONTRACTOR THE PHYSICAL FACILITIES, EQUIPMENT, AND ASSOCIATED SERVICES AND SUPPLIES NECESSARY FOR THE PROPER IMPLEMENTATION OF THE AFOREMENTIONED CONTRACT.

THE GOVERNMENT OF MEXICO AGREES TO MAKE ARRANGEMENTS SO THAT CONTRACTOR PERSONNEL MAY OBTAIN THE NECESSARY LEGAL PERMITS AND OTHER DOCUMENTS REQUIRED TO PERMIT CONTRACTOR

PERSONNEL TO OPERATE IN MEXICO IN COMPLIANCE WITH THEIR DUTIES UNDER THE CONTRACT.

THE GOVERNMENT OF MEXICO WILL PROVIDE AT ITS OWN EXPENSE, IN CONNECTION WITH THE PREFABRICATED HANGAR TO BE SUPPLIED BY THE UNITED STATES GOVERNMENT AS STATED IN PARAGRAPH NUMBERED (2) THE SERVICES, EQUIPMENT AND SUPPLIES NECESSARY TO PREPARE THE SITE, CONSTRUCT THE FOUNDATION AND FLOOR,

AND ASSEMBLE AND ERECT THE HANGAR.

IT IS UNDERSTOOD THAT THE PROVISIONS OF ALL PREVIOUS AGREEMENTS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF MEXICO IN RELATION TO THE NARCOTICS CONTROL EFFORT OF THE GOVERNMENT OF MEXICO REMAIN IN FULL FORCE AND EFFECT AND APPLICABLE TO THIS AGREEMENT UNLESS OTHERWISE EXPRESSLY MODIFIED HEREIN.

IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF MEXICO, THIS LETTER AND YOUR REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS.

I TAKE THIS OPPORTUNITY TO REITERATE TO YOU THE ASSURANCE OF MY HIGHEST CONSIDERATION AND PERSONAL ESTEEM. SINCERELY.

2. SPANISH TRANSLATION FOLLOWS:

ESTIMADO SENOR PROCURADOR GENERAL:
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PAGE 04 STATE 194558

CONFIRMANDO CONVERSACIONES CELEBRADAS RECIENTEMENTE ENTRE FUNCIONARIOS DE NUESTROS DOS GOBIERNOS EN LO RELACIONADO CON LA COOPERACION ENTRE MEXICO Y LOS ESTADOS UNIDOS A FINES DE CONTENER EL TRAFICO ILEGAL DE NARCOTICOS, ME COMPLACE COMUNICARLE QUE EL GOBIERNO DE LOS ESTADOS UNIDOS ESTA DISPUESTO A CONCERTAR ACUERDOS COOPERATIVOS ADICIONALES CON EL GOBIERNO DE MEXICO A FINES DE REDUCIR TAL TRAFICO.

EL GOBIERNO DE LOS ESTADOS UNIDOS, POR SU PARTE, PROPORCIONARA LOS EQUIPOS, MATERIALES Y APOYO TECNICO SIGUIENTES SEGUN SEA CONSIDERADO UTIL Y DESEABLE POR PARTE DEL GOBIERNO DE MEXICO:

(1) EQUIPO ADICIONAL QUE SE CONSIDERE NECESARIO PARA SU USO EN EL SISTEMA DE FOTOGRAFIA AEREA MULTIESPECTRAL PARA DETECTAR LA ADORMIDERA, A UN COSTO ESTIMADO NO MAYOR DE CIENTO CUARENTA MIL DOLARES (US\$140.000).

(2) UN HANGAR PREFABRICADO PARA AERONAVES Y LOS SERVICIOS DE TRES TECNICOS PARA ASESORAR EN EL ENSAMBLAJE Y

CONSTRUCCION DE DICHO HANGAR EN CULIACAN, MEXICO, A UN COSTO ESTIMADO NO MAYOR DE CIEN MIL DOLARES (US\$100.000).

(3) PELICULA, PAPEL, PRODUCTOS QUIMICOS Y OTROS PRODUCTOS FUNGIBLES QUE NO SE CONSIGUEN FACILMENTE EN MEXICO Y QUE SE CONSIDERAN NECESARIOS PARA EL SISTEMA DE FOTOGRAFIA AEREA MULTIESPECTRAL PARA DETECTAR LA ADORMIDERA, A UN COSTO ESTIMADO DE CINCUENTA MIL DOLARES (US\$50.000).

(4) APOYO TECNICO QUE CONSISTE EN LA PRESTACION DE SERVICIOS, MANTENIMIENTO Y PIEZAS DE REPUESTO PARA EL MANTENIMIENTO POR LA SPECTRAL DATA CORPORATION DURANTE UN PERIODO DE APROXIMADAMENTE DIEZ (10) MESES DURANTE LA CAMPANA DE 1976-1977 PARA LA ERADICACION DE LOS NARCOTICOS. ESTE APOYO SERA PROPORCIONADO MEDIANTE ARREGLOS CONTRACTUALES DIRECTOS ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS Y LA SPECTRAL DATA CORPORATION. EL CONTRATISTA REALIZARA TODAS LAS FUNCIONES NECESARIAS PARA UTILIZAR UNO DE LOS DOS SISTEMA DE FOTOGRAFIA AEREA MULTIESPECTRAL PARA DETECTAR LA ADORMIDERA, INCLUSO OPERACIONES DE VUELO, REVELADO E IMPRE-LIMITED OFFICIAL USE
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PAGE 05 STATE 194558

SION DE FOTOGRAFIAS, INTERPRETACION Y ANALISIS DE FOTOGRAFIAS, PREPARACION DE INFORMES Y MAPAS ESPECIALES, MANTENIMIENTO DE LOS EQUIPOS Y EL SUMINISTRO DE LOS MATERIALES Y PIEZAS RELACIONADOS CON TAL MANTENIMIENTO SEGUN SE ESPECIFIQUE EN EL CONTRATO. EL COSTO ESTIMADO DE ESTE APOYO TECNICO NO EXCEDERA DE UN MILLON CINCUENTA MIL DOLARES (US\$1.050.000).

EL GOBIERNO DE MEXICO PROPORCIONARA, A COSTO PROPIO, PARA USO DEL CONTRATISTA, LAS INSTALACIONES, EQUIPOS Y SERVICIOS Y MATERIALES AFINES NECESARIOS PARA IMPLEMENTAR DEBIDAMENTE EL CONTRATO ANTES MENCIONADO.

EL GOBIERNO DE MEXICO ACUERDA HACER LOS ARREGLOS NECESARIOS PARA QUE EL PERSONAL DEL CONTRATISTA PUEDA OBTENER LOS PERMISOS LEGALES NECESARIOS Y OTROS DOCUMENTOS QUE SE EXIGEN PARA PERMITIR A TAL PERSONAL CUMPLIR CON SUS FUNCIONES EN MEXICO CONFORME A SUS OBLIGACIONES BAJO EL CONTRATO.

EL GOBIERNO DE MEXICO, PROPORCIONARA, A COSTA PROPIA, EN RELACION CON EL HANGAR PREFABRICADO QUE EL GOBIERNO DE LOS ESTADOS UNIDOS PROPORCIONARA SEGUN SE INDICA EN EL PARRAFO (2), LOS SERVICIOS, EQUIPOS Y MATERIALES NECESARIOS PARA PREPARAR EL LUGAR, CONSTRUIR LOS CIMIENTOS Y EL PISO, Y ENSAMBLAR Y ERIGIR EL HANGAR.

SE ENTIENDE QUE LAS DISPOSICIONES DE TODOS LOS ACUERDOS PREVIOS ENTRE EL GOBIERNO DE MEXICO Y EL GOBIERNO DE LOS

ESTADOS UNIDOS EN RELACION CON LOS ESFUERZOS DEL GOBIERNO DE MEXICO PARA CONTROLAR EL TRAFICO DE NARCOTICOS SE MANTIENEN VIGENTES EN SU TOTALIDAD Y APLICABLES A ESTE ACUERDO, A MENOS QUE POR LA PRESENTE SE MODIFIQUEN EXPRESAMENTE.

SI LO ANTERIOR ES ACEPTABLE PARA EL GOBIERNO DE MEXICO, ESTA CARTA Y LA RESPUESTA DE USTED CONSTITUIRAN UN ACUERDO ENTRE NUESTROS DOS GOBIERNOS. APROVECHO ESTA OPORTUNIDAD PARA REITERARLE LAS SEGURIDADES DE MI MAS ALTA CONSIDERACION Y ESTIMA PERSONAL. MUY ATENTAMENTE.

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PAGE 06 STATE 194558

2. THE PROPOSED LETTER AGREEMENT SET FORTH IN PARA 1 ABOVE IS PREDICATED ON APPROPRIATE AMENDMENT OF THE 12 SEPTEMBER LETTER REGARDING INDEMNITY PROPOSED IN STATE 177041 AND 192392. SHOULD THIS NOT BE ACCOMPLISHED, IT WILL BE NECESSARY TO ADD AN ADDITIONAL PARAGRAPH TO THIS AGREEMENT TO SPECIFICALLY COVER SDC. WE PREFER THE FORMER COURSE OF ACTION TO ELIMINATE THIS REQUIREMENT EACH TIME THE SERVICES TO BE PROVIDED WOULD INVOLVE SUCH CONSIDERATIONS. IF THE 12 SEPTEMBER LETTER IS NOT AMENDED PRIOR TO THE TIME THIS AGREEMENT WILL BE PRESENTED, WE PROPOSE THE FOLLOWING ADDITIONAL PARAGRAPH IMMEDIATELY AFTER PARAGRAPH NUMBERED 4 IN THE AGREEMENT "IN CONNECTION WITH THE OPERATIONAL ACTIVITIES OF THE CONTRACTOR, SPECTRAL DATA CORPORATION, THE UNITED STATES GOVERNMENT WOULD LIKE YOUR ASSURANCES THAT NEITHER THE UNITED STATES GOVERNMENT NOR THE CONTRACTOR OR ITS PERSONNEL WILL BE LIABLE FOR ANY MONETARY CLAIMS FOR CIVIL LIABILITY, IN THE EVENT OF LOSS OR DAMAGE TO ANY PROPERTY OR INJURY OR DEATH TO ANY PERSONS ARISING OUT OF SUCH OPERATIONAL ACTIVITIES, AND PROPOSE THAT THE MEXICAN GOVERNMENT INDEMNIFY AND SAFEGUARD THE UNITED STATES GOVERNMENT, THE CONTRACTOR AND ITS PERSONNEL WHO PERFORM SUCH OPERATIONAL ACTIVITIES FOR THE STATED LIABILITIES".

3. ALTHOUGH THIS LANGUAGE IS SLIGHTLY DIFFERENT THAN PROPOSED FOR THE AMENDED 12 SEPTEMBER LETTER, WE BELIEVE YOU CAN SECURE THE REQUIRED SPANISH TRANSLATION. HABIB

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